

AMENDMENTS TO THE DRAWINGS

See attached Replacement Sheet.

REMARKS

This is in response to the Office Action mailed December 14, 2005. Claim 1 has been amended. New claim 22 has been added. Claims 1-4, 6, and 22 remain pending. Support for the claim amendments can be found throughout the specification, drawings, and claims and specifically on page 5 lines 6-7 (the inner diameter of the arcuate member is equal to or less than the diameter of the spout); page 5 lines 8-10 (the slot is about one-half the diameter of the arcuate member); page 4 lines 14-15 (the first and second sides of the grip section are connected to the first and second ends of the base member); and page 4 lines 4-6 (the handle is made of nylon).

Objections to the Specification

The Office Action objected to the title of the invention as not descriptive. Applicants have amended the title to now read "Bag Carrying Handle Having an Arcuate Member and a Grip Section." If the Examiner believes that this title is still not descriptive then Applicants respectfully request clarification.

Objections to the Drawings

The Office Action objected to the drawings and specifically to Figure 12 because the reference number "222" should be changed to 22. This has been corrected in Figure 12 in the attached Replacement Sheet. The Office Action did not require a marked-up copy of the replacement sheet, and accordingly, one has not been provided with this response.

Rejections Under 35 U.S.C. §112 Second Paragraph

The Office Action rejected claims 1-4 and 6 under 35 U.S.C. § 112 second paragraph as being indefinite. Specifically, the Office Action took issue with the meaning of the recited

phrase "a first side having a first end operatively connected to the first end of the grip section."

Applicants respectfully traverse this rejection.

Claim 1 has been amended to state that the first or second side of the grip section is connected to the first or second end of the base member, respectively. Accordingly, it is respectfully requested that this rejection be withdrawn.

Rejections Under 35 U.S.C. §102

The Office Action has rejected claims 1-4 and 6 as anticipated under 35 U.S.C. §102(b) by Volk (US Pat No 4,772,133). Applicants respectfully traverse this rejection.

Applicants invention is to a handle for carrying a bag having a spout such as Model 410060 from Scholle (Chicago, IL). An example of a Scholle-type bag is shown in Figure 12 where a plastic bag has a substantial spout attached to it for dispensing product out of the bag. Applicants invention is designed to ease transportation of a bag of this type, which otherwise can be awkward or heavy to move from one location to another. The present invention as amended is different from the prior art of record and Volk because the prior art of record is not designed to allow a spout having a large diameter to pass through the throat or slot. Applicants have amended claim 1 to call out the diameter of the arcuate member relative to the spout and the diameter of the slot relative to the diameter of the arcuate member. This is important because without these relative measurements, the present invention would not allow the spout to pass through the slot without breaking the handle. Likewise, without these relative measurements, the present invention would not allow the arcuate member accommodate the spout in a way that was big enough for the spout to fit in but small enough for the resulting frictional force to hold the spout in the arcuate member and handle.

The prior art is not designed to accommodate something as large as a spout on a bag. Specifically, Volk is designed to hold a bag such as a turkey bag and therefore has a very narrow throat or restriction (62) to prevent the bag from coming loose from the restriction. A narrow throat or restriction would not work with the present invention which has to accommodate a spout with a large diameter. Accordingly, it is respectfully requested that this rejection be withdrawn.

The Office Action has rejected claims 1-4 and 6 as anticipated under 35 U.S.C. §102(b) by Miller, Jr. (US Pat No 6,347,822). Applicants respectfully traverse this rejection.

Miller, Jr. has the same deficiencies as Volk in light of the amended claims. Miller, Jr. is directed to a handle for carrying plastic bags such as those found at a grocery store. The handle in Miller, Jr. has a narrow diameter in the shoulders (24). In fact, in the closed position, the shoulders are abuttingly engaged. In contrast, the present invention as amended has a slot with a diameter about half of the diameter of the arcuate member in order to allow the spout to pass through the slot without breaking the handle. Accordingly, it is respectfully requested that this rejection be withdrawn.

The Office Action notes that a recitation of intended use must result in a structural difference between the claimed invention and the prior art. The present invention as amended includes structural differences that are necessary in order to accommodate the intended use, that is the use of the handle for carrying a bag with a spout. The structural differences include the relative dimensions of the arcuate member, spout, and slot. Without the relative dimensions, the handle would not allow a spout to pass through the slot without breaking the handle and would not be large enough for the spout but still provide enough frictional force to hold the spout in the arcuate member. These relative dimensions are not present in the prior art of record.

Summary

It is respectfully submitted that each of the pending claims is in condition for allowance, and notification to that effect is kindly requested. The Examiner is invited to contact the Applicants' primary attorney-of-record, Anneliese M. Seifert, at (651) 795-5661, if it is believed that prosecution of this application may be assisted thereby.

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PATENT TRADEMARK OFFICE

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